

9.0 RECORDS AND REPORTS

This chapter identifies and outlines the reporting and record-keeping requirements of major Federal regulations, Office of Management and Budget (OMB) circulars, and DOE Orders applicable to the environmental and effluent radiological surveillance programs at DOE sites. These regulations represent only part of the total environmental requirements that are applicable to DOE sites. Environmental statutes and regulations are constantly changing, and are frequently amended or superceded. The regulations cited in this chapter are those that currently are relevant to DOE sites or facilities and their activities. These listings *should* not be considered all inclusive, and *should* be updated as required. Also, not all of the cited regulations are relevant to all sites or their facilities. The applicability is a function of the location, operation, and, in some instances, the age of the facility. All operators must, in conjunction with their operations office, determine the applicability of the many regulations. It is the policy of the DOE to comply with all applicable environmental requirements. Accordingly, DOE officials and DOE Management and Operating Contractors *should** identify and comply with the relevant requirements.

Proper record-keeping and reporting is essential to DOE's overall compliance strategy. Timely notification of occurrences and information involving DOE and its contractors *should** be made to the appropriate DOE officials and to other responsible authorities. Auditable records relating to environmental surveillance and effluent monitoring *should** be maintained. Calculations, computer programs, or other data handling *should** be recorded or referenced.

The principal objectives of DOE's reporting system (DOE 5484.1, DOE 5484.2, and DOE 5700.6B) and of special reporting requirements in DOE 5400.1, DOE 5400.3, and DOE 5400.5 are to

- 1) Alert DOE management to occurrences for the purpose of investigation and evaluation of causes, and to identify appropriate measures to prevent recurrences;
- 2) Obtain early, complete, and factual information on occurrences as a basis for reports to the Secretary of Energy, Congress, other Federal agencies, and the public, as appropriate;
- 3) Identify trends in areas of concern for DOE and contractor operations;
- 4) Provide a basis for the improvement of codes, guides, and standards used in the DOE and contractor operations;
- 5) Monitor, evaluate, and report onsite discharges, liquid and airborne effluents, and environmental conditions in the vicinity of DOE sites to assess the levels of radioactive pollutants and their impact on the public and the environment; and
- 6) Comply with regulations (e.g., CERCLA reporting requirements).

General reporting and record-keeping requirements for effluent and environmental surveillance activities are outlined in DOE 5400.1 and DOE 5400.5. These Orders specify the reporting responsibilities, timing, and distribution of routine reports (the requirements for preparation and distribution of accident-related reports are outlined in DOE 5484.1) and contain some details on the required content and format. The following paragraphs provide recommendations for meeting the reporting and record-keeping requirements of DOE 5400.5. Also discussed are other Federal regulations that impact the structure or operation of these programs. State and local regulations, which vary considerably, are not included in this section.

A list of the applicable regulations, OMB circular, and DOE Orders and the relevant reporting requirements is provided in Table 9-1.

9.1 RECORD-KEEPING

A number of laws, regulations, and DOE Orders contain record-keeping requirements that may apply to DOE-controlled facility operations. The actual record-keeping requirements are typically broad and general in coverage. A brief discussion of the record-keeping requirements cited in Table 9-1 is provided in the following paragraphs.

9.1.1 DOE 5400.1 - General Environmental Protection Program Requirements

The purpose of the Order is to establish the environmental protection program requirements for DOE operations that ensure compliance with Federal and State environmental protection laws and regulations, Presidential Executive Orders, and internal DOE policies. The Order requires maintenance and retention of auditable records relating to the environmental surveillance and effluent monitoring programs, and records of calculations, computer programs, or other information (along with raw data, procedures, etc.). The Order further requires that records be protected against damage or loss; generally this protection entails assurance that a duplicate of records is stored in a separate location.

9.1.2 DOE 5700.6B - Quality Assurance

The purpose of the Order is to establish the quality assurance requirements for DOE operations. The Order is incorporated by reference from DOE 5484.1, as specified in the Order and as applicable to the environmental surveillance and effluent monitoring programs.

9.1.3 40 CFR Part 61 - National Emission Standards for Hazardous Air Pollutants

The purpose of 40 CFR Part 61, Subpart H, is to regulate atmospheric radionuclide emissions from DOE facilities. The EPA has not yet finalized the record-keeping requirements applicable to the DOE under 40 CFR Part 61,

TABLE 9-1. Applicable Environmental and Effluent Regulations and Requirements

<u>Regulations</u>	<u>Requirements</u>
1324.2	Comply with general DOE requirements for records disposition and retention.
5400.1	Comply with general record-keeping requirements.
5400.1	Report the radioactive materials in effluents during the previous calendar year by release point using the Effluent Information System and Onsite Discharge Reports.
5400.1	Describe the status of the environmental monitoring programs at DOE facilities in the Annual Site Environmental Report.
5400.1	Prepare an Environmental Monitoring Plan for each site, facility, or process; review and update plan at least every 3 years.
5400.4	Prepare reports describing the extent and/or status of the CERCLA efforts at each facility. Report releases of radionuclides that exceed "reportable quantities" to the National Response Center.
5400.5	Comply with general requirements for record-keeping and reporting.
5484.1	Prepare reports on information having environmental protection, safety, or health protection significance.
5484.2	Prepare Unusual Occurrence (or other accident) Reports, as required, on the failure of effluent monitoring systems, the inadvertent release of radionuclides, or the discovery of significant radioactive contamination in the onsite or offsite environment attributable to current or past DOE operations.
5700.6B	Comply with general quality assurance requirements.
5820.2A	Prepare annual updates of the Waste Management Plan.
40 CFR Parts 260-265	Prepare and maintain hazardous- and radioactive-waste operating records.
40 CFR Part 61 (Subpart H)	Submit an Annual Compliance Report to the EPA on or before June 1.

TABLE 9-1. (contd)

<u>Regulations</u>	<u>Requirements</u>
40 CFR Part 191	Comply with reporting and record-keeping requirements for the management and disposal of spent nuclear fuel and high-level and transuranic radioactive wastes.
OMB A-106	Report pollution abatement projects as specified under the OMB circular A-106 and in the EPA <u>Procedures for Reporting Pollution Abatement Projects for Federal Facilities</u> .

Subpart H. Such requirements, when effective, will be applicable to DOE facilities. In addition, unless requirements are changed by EPA in future amendments to 40 CFR Part 61, Subpart H, records developed pursuant to these criteria are required to be maintained, as specified in DOE 1324.2, Chapter 5, Attachment 1, Schedule 25 (Medical, Health, and Safety Records).

9.1.4 40 CFR Parts 260-265 - Resource Conservation and Recovery Act Regulations

The regulations specified in 40 CFR Parts 260-265 have been issued by the EPA pursuant to the Resource Conservation and Recovery Act (RCRA). Radioactive waste practices at facilities administered under the Atomic Energy Act are not subject to the requirements of Subtitle C of RCRA; however, it is a legal requirement that mixed-waste management practices will be consistent with RCRA requirements. Mixed-waste operating records are to be prepared and maintained in accordance with the requirements of 40 CFR Part 264.73 or 40 CFR Part 265.73. These reporting requirements pertain to the effluent and environmental surveillance program activities only insofar as they require information on activities such as ground-water (40 CFR Part 265.90) or foodchain (40 CFR Part 265.276) monitoring.

9.2 REPORTING

It is the policy of the DOE that timely notification of occurrences involving DOE and contractor operations be made to the responsible authorities. Most of the reporting requirements applicable to DOE-controlled facilities are contained in DOE 5400.1, DOE 5400.5, and DOE 5484.1; however, EPA and OMB requirements must also be met. Most reports require information on the type or quantity of radionuclides released to the environment. For all cases where such information is required, reporting in the same units as the respective standards is most appropriate. DOE 5400.1 established DOE requirements on reporting units. The following sections contain brief descriptions of the reporting requirements described in selected references cited in Table 9-1.

9.2.1 DOE 5400.1 - General Environmental Protection Program Requirements

The Order establishes the requirements and procedures for reporting information having environmental protection, safety, or health protection significance for DOE operations. The Order requires the preparation of several reports related to environmental protection, safety, and health protection. The reports listed below require data from effluent or environmental programs. Reports covering the previous calendar year are required to be submitted to the Information Systems Branch, EG&G Idaho, Inc., and other identified recipients by April 1. The reports are required to be submitted in accordance with instructions provided in Section II of the Effluent Information System and Onsite Discharge Information System User's Manual (EIS/ODIS) (Batchelder et al. 1977). The EIS/ODIS systems are intended to provide a permanent data base for all offsite and onsite releases of radioactive materials in airborne and liquid effluent streams from DOE-controlled facilities. The reporting procedures are given in DOE 5400.1, with a description of the systems and their capabilities in the EIS/ODIS User's Manual. Both systems include a narrative summary data base describing the discharge points in detail.

Reports covering the previous calendar year are to be prepared annually and distributed by June 1 to EH-1, Headquarters (10 copies), appropriate program offices, the DOE Office of Scientific and Technical Information, and other agencies and organizations, as appropriate. The report must provide a comprehensive review of the environmental surveillance programs, status of environmental compliance, and effluent data for nonradioactive pollutants. The primary purpose of the Annual Site Environmental Report is to provide an update on the environmental status of the facility. This report summarizes the degree of compliance of the facility with applicable environmental regulations and informs the public about the impact of the operations of the facility on the surrounding environment. DOE 5400.1 provides the format and content for preparation of the Annual Site Environmental Report.

DOE 5400.1 requires that a written Environmental Monitoring Plan be prepared for each site, facility, or process that uses, generates, releases, or manages pollutants or hazardous materials. The plan will contain the rationale and design criteria for the monitoring program, the extent and frequency of monitoring and measurements, procedures for laboratory analyses, and the preparation and disposition of reports. The plan will be reviewed annually and updated as needed, at least every 3 years.

DOE 5400.1 requires that before start-up of a new site, facility, or process that has the potential for adverse environmental impact or that will process, release, or dispose of radioactive materials, a preoperational environmental assessment be prepared. The format for the Preoperational Environmental Survey Report is provided in DOE 5400.1. The Order further requires that an Annual Environmental Status Sheet be prepared to provide DOE/EH with an up-to-date summary of information regarding the environmental status of each site. The information will be compiled by DOE/EH. Field Office contributions to the report are required to be submitted to DOE/EH by April 1 of each year in the format specified in DOE 5400.1.

9.2.2 DOE 1324.2 - Records Disposition

The objective of the Order is "to assign responsibilities and authorities and to prescribe policy, procedures, standards, and guidelines for the orderly disposition of records of DOE and its operating and onsite service contractors." The Order provides the basis for the overall DOE record-keeping system that is required to be used for all aspects of DOE site operation.

9.2.3 DOE 5400.4 - Comprehensive Environmental Response, Compensation, and Liability Act Program

DOE 5400.4 provides instructions for 1) implementing a DOE Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) program, 2) defining actions needed to identify and evaluate inactive hazardous-waste disposal sites on DOE installations, and 3) bringing about remedial actions where necessary to improve control of hazardous substance migration from such sites. Heads of field elements are responsible for preparation of the DOE's CERCLA program reports.

9.2.4 DOE 5000.3 - Unusual Occurrence Reporting System

This Order establishes the DOE's policy and provides instructions for a system of reporting, analyzing, and disseminating information on programmatic significant events.

9.2.5 40 CFR Part 61 - National Emission Standards for Hazardous Air Pollutants

The EPA regulates airborne radioactive releases from DOE facilities through Subpart H of 40 CFR Part 61, "National Emission Standards for Hazardous Air Pollutants; Standards for Radionuclides." Although the EPA has not yet finalized the reporting requirements applicable to the DOE under 40 CFR Part 61, Subpart H, the DOE has adopted the policy that it will comply with those reporting requirements of 40 CFR Part 61 that have clear intent, such as the annual compliance report that is due June 1 each year. This report is submitted through DOE/HQ to the EPA.

9.2.6 40 CFR Part 191 - Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes

The EPA has promulgated environmental standards for the management and disposal of spent nuclear fuel and high-level and transuranic radioactive wastes under the authority of the Atomic Energy Act and the Nuclear Waste Policy Act.

9.2.7 Office of Management and Budget Circular A-106 - Reporting Requirements in Connection with the Prevention, Control, and Abatement of Environmental Pollution at Existing Federal Facilities

The Office of Management and Budget (OMB) A-106 circular (1975) establishes a semiannual reporting requirement for implementing Sections 1 through 4 of Presidential Executive Order 12088 and Presidential Executive Order 11752 pertaining to the control of environmental pollution from existing Federal facilities. The reports are to be submitted semiannually on December 31 and June 30. The plans are to identify projects necessary to bring Federal facilities into compliance with applicable environmental standards.

9.3 QUALITY ASSURANCE

As they apply to reporting and record-keeping activities, the general quality assurance program provisions of Chapter 10 *should** be followed. Specific quality assurance activity requirements for facility reporting and record-keeping activities are to be contained in the Quality Assurance Plan associated with the facility.